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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,924	03/11/2004	Richard Edward Schaedler	1322/172	6901
25297	7590	02/23/2006	EXAMINER	
JENKINS, WILSON & TAYLOR, P. A.			TRAN, CONGVAN	
3100 TOWER BLVD			ART UNIT	
SUITE 1200			PAPER NUMBER	
DURHAM, NC 27707			2688	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/798,924

Applicant(s)

SCHAEDLER ET AL.

Examiner

CongVan Tran

Art Unit

2688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-13, 16-20, 23-25 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 15, 21, 22 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 7-13, 16-20, 23-25 rejected under 35 U.S.C. 102(e) as being anticipated by Aravamudan et al. (2003/0148779).

Regarding claims 1-2, 4, 7-9, 17-18, 20, and 23-25, Aravamudan discloses a system and method of expediting call establishment in mobile communication comprising: (a) receiving, from a push-to-talk or presence server, presence information regarding a first push-to-talk subscriber, the presence information being destined for a second push-to-talk subscriber (see figs.8-11, elements 2012, 2030, 2034, 2014, 2026, 2028, paragraphs [0089]-[0090] and its descriptions); (b) determining whether the second push-to-talk subscriber is available (see figs.8-11, elements 2012, 2026, paragraph [0090] and its descriptions); and (c) in response to determining that the second push-to-talk subscriber is available, delivering the presence information to the second push-to-talk subscriber in a manner that bypasses a short message service center (SMSC) (see figs.8-11, elements 2012, 2026, paragraph [0090]-[0091]) and its descriptions).

Regarding claims 3, 16, and 19, Aravamudan further discloses wherein determining whether the second push-to-talk subscriber is available includes formulating a query to a home location register (HLR) (see paragraph [0009], fig.7 and its description).

Regarding claims 10-13, Aravamudan discloses a system and method of expediting call establishment in mobile communication comprising: (a) a short message point-to-point (SMPP) interface for receiving, from an SMPP or a presence server, presence information regarding a first push-to-talk subscriber, the presence information being destined for a second push-to-talk subscriber (see figs.8-11, elements 2012, 2030, 2034, 2014, 2026, 2028, paragraphs [0089]-[0090] and its descriptions); (b) an SS7 interface for delivering the presence information to the second push-to-talk subscriber (see figs.8-11, elements 2012, 2026, paragraphs [0009], [0090] and its descriptions); and (c) a short message gateway function operatively associated with the interfaces for delivering the presence information to the second push-to-talk subscriber in a manner that bypasses an SMSC (see figs.8-11, elements 2012, 2026, paragraph [0090]-[0091]] and its descriptions), accept for and SS7 interface. However, Hiller discloses the SS7 and SMPP interfaces for delivering the presence information to the second push-to-talk subscriber (see fig.1, elements 102, 114, and paragraphs [0012] and [0017] and its description). Regarding claim 16, Aravamudan further discloses wherein the short message gateway function is adapted to query an HLR in order to determine the availability and location of the second push-to-talk subscriber (see fig.7 and its description).

***Allowable Subject Matter***

3. Claims 5-6, 14-15, 21-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CONGVAN TRAN  
PRIMARY EXAMINER

CongVan Tran  
Primary Examiner  
Art Unit 2688

Feb. 29, 2006.